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Attorneys for Defendant Facebook, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL FRALEY; PAUL WANG; SUSAN
MAINZER; JAMES H. DUVAL, a minor, by
and through JAMES DUVAL, as Guardian ad
Litem; and W.T., a minor, by and through
RUSSELL TAIT, as Guardian ad Litem;
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

FACEBOOK, INC., a corporation; and DOES
1-100,

Defendants.

Case No. CV 11-01726 RS

**DECLARATION OF JEFFREY M. GUTKIN IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

DATE: June 28, 2013
TIME: 10:00 a.m.
DEPT.: 3
JUDGE: Hon. Richard Seeborg

1 I, Jeffrey M. Gutkin, hereby declare as follows:

2 1. I am an attorney licensed to practice law in the State of California, and I am
3 admitted to practice before this Court. I am a partner with the law firm of Cooley LLP
4 (“Cooley”), attorneys for Defendant Facebook, Inc. (“Facebook”). I make this declaration in
5 support of Plaintiffs’ Motion for Final Approval of Class Action Settlement in this action. I have
6 personal knowledge of the facts stated in this declaration, and if called upon to testify, could and
7 would competently testify thereto.

8 2. Since preliminary approval was granted in this matter on December 3, 2012, there
9 has been widespread media coverage of the settlement of the above-captioned dispute. A small
10 selection of news articles related to the settlement is attached hereto as Exhibits A-K.

11 3. Attached hereto as Exhibit A is a true and correct copy of an article from the
12 Chicago Tribune as accessible at http://articles.chicagotribune.com/2012-12-04/business/chicago-judge-oks-facebook-sponsored-stories-settlement-20121204_1_seeborg-angel-fraley-facebook-members (last accessed on June 12, 2013).

15 4. Attached hereto as Exhibit B is a true and correct copy of an article from the Los
16 Angeles Times as accessible at <http://www.latimes.com/business/technology/la-fi-tn-facebook-sponsored-stories-settlement-gets-judges-tentative-ok-20121204,0,4550961.story> (last accessed
18 on June 12, 2013).

19 5. Attached hereto as Exhibit C is a true and correct copy of an article from
20 Reuters.com as accessible at <http://www.reuters.com/article/2012/12/04/facebook-privacy-settlement-idUSL1E8N408420121204> (last accessed on June 12, 2013).

22 6. Attached hereto as Exhibit D is a true and correct copy of an article from the San
23 Jose Mercury News as accessible at http://www.mercurynews.com/business/ci_22117796 (last
24 accessed on June 12, 2013).

25 7. Attached hereto as Exhibit E is a true and correct copy of an article from CNET
26 News as accessible at http://news.cnet.com/8301-1023_3-57556937-93/facebook-wins-preliminary-ok-of-sponsored-stories-settlement/ (last accessed on June 12, 2013).

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1 8. Attached hereto as Exhibit F is a true and correct copy of an article from
2 CNN.com as accessible at [http://money.cnn.com/2013/01/28/technology/social/facebook-class-](http://money.cnn.com/2013/01/28/technology/social/facebook-class-action/index.html)
3 [action/index.html](http://money.cnn.com/2013/01/28/technology/social/facebook-class-action/index.html) (last accessed on June 12, 2013).

4 9. Attached hereto as Exhibit G is a true and correct copy of an article from Business
5 Journal as accessible at [http://www.bizjournals.com/sanjose/news/2012/12/04/facebooks-10-](http://www.bizjournals.com/sanjose/news/2012/12/04/facebooks-10-payments-to-settle.html)
6 [payments-to-settle.html](http://www.bizjournals.com/sanjose/news/2012/12/04/facebooks-10-payments-to-settle.html) (last accessed on June 12, 2013).

7 10. Attached hereto as Exhibit H is a true and correct copy of an article from
8 PCMAG.com as accessible at <http://www.pcmag.com/article2/0,2817,2412864,00.asp> (last
9 accessed on June 12, 2013).

10 11. Attached hereto as Exhibit I is a true and correct copy of an article from IT World
11 as accessible at <http://www.itworld.com/print/324941> (last accessed on June 12, 2013).

12 12. Attached hereto as Exhibit J is a true and correct copy of an article from
13 Bloomberg as accessible at [http://www.bloomberg.com/news/2012-12-04/facebook-sponsored-](http://www.bloomberg.com/news/2012-12-04/facebook-sponsored-stories-accord-wins-tentative-ok.html)
14 [stories-accord-wins-tentative-ok.html](http://www.bloomberg.com/news/2012-12-04/facebook-sponsored-stories-accord-wins-tentative-ok.html) (last accessed on June 12, 2013).

15 13. Attached hereto as Exhibit K is a true and correct copy of an article from
16 arstechnica.com as accessible at [http://arstechnica.com/tech-policy/2012/12/judge-oks-20-](http://arstechnica.com/tech-policy/2012/12/judge-oks-20-million-privacy-deal-for-facebooks-sponsored-stories/)
17 [million-privacy-deal-for-facebooks-sponsored-stories/](http://arstechnica.com/tech-policy/2012/12/judge-oks-20-million-privacy-deal-for-facebooks-sponsored-stories/) (last accessed on June 12, 2013).

18 14. Attached hereto as Exhibit L is a true and correct copy of a letter Cooley received
19 from Robert L. Bowman, dated June 7, 2013.

20 15. Attached hereto as Exhibit M are true and correct copies of the screenshots
21 Facebook included in its Memorandum of Points & Authorities in Support of Joint Motion for
22 Preliminary Approval of Revised Settlement (Dkt. No. 240 at 5).

23 16. As stated in the concurrently-filed Declaration of Peter Vulgaris in Support of
24 Plaintiffs' Motion for Final Approval of Class Action Settlement ("Vulgaris Decl."), Facebook
25 itself transmitted Email Notice to the Class Members, and the estimated size of the Class is
26 150,908,256 Facebook users. (Vulgaris Decl. ¶¶ 3, 5.) Given the size of the Class, pursuant to
27 the price quoted to Cooley by the Settlement Administrator, Garden City Group, Inc. ("GCG"),
28 the estimated cost for GCG to handle transmitting the Email Notice was \$240,909. Thus, by

1 handling the Email Notice to Class Members, Facebook prevented approximately \$240,000 of
2 GCG charges from being deducted from the Net Settlement Fund.

3
4 I declare under penalty of perjury that the foregoing is true and correct.

5 Executed on June 14, 2013 at Oakland, California.

6 /s/ Jeffrey M. Gutkin

7 Jeffrey M. Gutkin
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ATTESTATION

(CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: June 14, 2013

/s/ Michael G. Rhodes

Michael G. Rhodes

Attorney for Defendant Facebook, Inc.

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